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NEA/PD FOR FRANK FINVER

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TAGS: [PGOV](#) [PTER](#) [KPAO](#) [KMDR](#) [OPRC](#) [EG](#) [AL](#) [AG](#)  
SUBJECT: MEDIA CONTROVERSY OVER PROPOSED DRAFT OF NEW  
EGYPTIAN PRESS LAW

Classified by DCM Stuart Jones, reasons 1.4 (b) and (c).

¶1. (C) Summary: The Cabinet has approved a new Press Law and referred it to the Shura Council. The new draft law would substitute fines for imprisonment for journalists convicted of libel, but preserve jail time as an option for those who publish a newspaper illegally or who cast aspersions on the financial rectitude of others. Fines would be increased for those who defame a public official and insult the representative of a foreign country accredited to Egypt. The draft law would also move liability to prosecution for libel directly onto working journalists, and absolve editors and publishers. The Press Syndicate issued a statement criticizing the Cabinet for disregarding the Syndicate's proposed amendments. The coming two weeks (prior to the closing of the current Parliamentary session on July 15) will witness continued vigorous debate. End summary.

¶2. (SBU) The Cabinet has approved a draft bill of a new publishing law that would reduce the punishment for most kinds of libel from imprisonment "and/or" a fine to "only" a fine. The current draft reportedly contains the following provisions:

(a) Abolish the practice of suspending newspapers for infractions of the publishing law;

(b) Abolish the presumption that editors-in-chief and publishers are personally responsible for any libelous content in their publications, but instead hold the reporter liable for a fine and/or compensation to victims for libel crimes he commits through his reporting;

(c) Abolish imprisonment as a punishment for many infractions of the law, but create a fine for a new violation, that of publicly insulting the official representative of an accredited foreign country.

(d) Establish "casting aspersions on the financial rectitude of individuals" to the already existing crimes of libel, slander, insults, doubting a person's honor, and damaging a family's reputation; and the penalty of imprisonment and/or a fine would be preserved for breaking it.

(e) Establishing a new crime -- "violating the security of the government."

Imprisonment would be reserved as an optional punishment for the publishing of a newspaper in violation of the Press Law, in addition to confiscating the newspaper's issues.

The new law would also increase fines for:

(i) libeling public figures, officials and individuals who

are performing public duties, unless the accusations can be ascribed to a specific incident;

(ii) publishing, trading, creating, and possessing images that damage the reputation of the country (presumably aimed at defamatory political cartoons).

¶3. (SBU) The Egyptian Press Syndicate strongly objected to the draft law, on grounds that it ignores the basic points it had originally submitted to the Cabinet in its proposals for a new press law. The Syndicate also criticized the inclusion of the new crime of "financial defamation," and the fact that it would include imprisonment as a penalty option, even though imprisonment has been abolished as a penalty in other areas.

¶4. (SBU) In a meeting with Shura Council Speaker Safwat al-Sherif, the Press Syndicate complained the provision for imprisonment and/or heavy fines for "financial defamation" undermines the ability of the press to expose corruption. It warned they would escalate opposition to the draft law starting with a sit-in protest on Monday, July 3, to be followed the next day with a general meeting to decide on tougher steps that might include refraining from publishing their newspapers. The Syndicate also opposed increased fines, which it said would pose a heavy burden for working journalists.

¶5. (SBU) Al-Sherif replied that stipulating imprisonment was still being discussed and could be amended. The Minister of Parliamentary Affairs, Mufeed Shehab, reportedly said that some new provisions had actually been added to the bill upon the request of the Press Syndicate, in particular, a new article pertaining to unlicensed papers.

¶6. (SBU) A point of hot debate in the journalism community has to do with whether the liability for paying fines should fall on journalists alone or on the organizations they work for, or on both. One editor warned that if huge financial penalties are imposed on Egypt's already troubled news organizations, they would resort to firing their journalists to avoid having to pay the fines they incur. One critic also warned that the heavy fines under consideration could drive some organizations into bankruptcy, and would be ruinous for most working journalists for whom LE 20,000 would be an astronomic sum to pay.

¶7. (C) Comment: The draft bill, whose complete contents still have not been made public, seems designed to appear to be forward-leaning on freedom of the press issues, especially by eliminating imprisonment for libel, a penalty that has frequently been imposed on journalists who write articles critical of public figures, particularly President Mubarak. The fact that the new draft law seems to be removing that penalty for most crimes, but preserving it for the new "crime" of casting aspersions on the financial rectitude of others, will discourage journalists from going after corrupt members of the ruling elite. That, for many journalists we have spoken with, along with the doubling of fines for almost every other kind of infraction, diminishes the Press Law's appeal as a "reform measure."

¶8. (C) Comment continued: The draft law is still a work in progress and the highly publicized criticisms may yet result in more changes. The volume of media coverage and editorial attacks on this issue demonstrates how emboldened the Egyptian press can be when it feels its right to uncover wrong-doing has been abridged. The coming week (prior to the closing of the current Parliamentary session on July 15) will witness continued vigorous debate among the press and reform community as the proposed new press law works its way through the legislative process. End comment.

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